HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION No. 11998 OF 2006

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Between:

Kothuri Bala Krishna

……Petitioner

And

Naralla Govindamma and two others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Sri P. Prabhakara Rao

Counsel for the Respondents : None

Dated: 16-06-2006

Per G.S. SINGHVI, CJ

This petition is directed against order dated 27.03.2006 passed by District Consumer Forum, Guntur whereby I.A No. 309 of 2005 filed by the petitioner for dismissal of C.D No.266 of 2004 on the ground of delay was dismissed.

We have heard learned counsel for the petitioner and perused the record.

We have serious reservation on the entertaining of applications like the one filed by the petitioner for decision of the issue relating to maintainability of the petition filed by respondent No.1 as a preliminary issue. We would have finally pronounced on the desirability and justification of entertaining such applications by the consumer forums but refrain from doing so because we are convinced that the writ petition is liable to be dismissed on the ground of availability of an effective alternative remedy of appeal under Section 15 of the Consumer Protection Act, 1986. In our considered view, there is no valid ground for this Court to make a departure from the settled rule that the High Court will not entertain writ petition under Article 226 of the Constitution of India if an effective alternative remedy is available to the petitioner. Therefore, the writ petition is dismissed with liberty to the petitioner to avail the remedy of appeal.

G.S.SINGHVI, CJ

G.V. SEETHAPATHY, J

16-06-2006

ks/ksld